

Senate File 50

SENATE FILE _____
BY DANIELSON

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning suspension of a driver's license due to
2 temporary loss of consciousness or lack of voluntary control.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1811SS 82
5 dea/es/88

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1 1 Section 1. Section 321.210, subsection 2, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. The first instance of a licensee's
1 4 temporary loss of consciousness or lack of voluntary control
1 5 while operating a motor vehicle, if the person was under the
1 6 influence of a drug at the time the incident occurred and all
1 7 of the following apply:
1 8 (1) The drug was prescribed for the person and was taken
1 9 under the prescription and in accordance with the directions
1 10 of a medical practitioner as defined in chapter 155A, or the
1 11 drug was dispensed by a pharmacist without a prescription
1 12 pursuant to the rules of the board of pharmacy examiners, and
1 13 the medical practitioner or pharmacist had not directed the
1 14 person to refrain from operating a motor vehicle and there
1 15 were no labeling directions from the pharmacy advising against
1 16 motor vehicle operation.
1 17 (2) There is no evidence of the consumption of alcohol and
1 18 the person was not charged with a violation of section 321J.2
1 19 or 321J.2A in connection with the incident.
1 20 (3) The person submits to the department a medical report
1 21 from a physician licensed under chapter 148, 150, or 150A
1 22 certifying that the physician has performed a medical
1 23 examination of the person following the incident and concluded
1 24 that there is no likely medical explanation for the temporary
1 25 loss of consciousness or lack of voluntary control other than
1 26 the person's use of the drug as directed, and that the person
1 27 has been advised to discontinue use of the drug.

EXPLANATION

1 29 This bill requires the department of transportation to
1 30 refrain from suspending a person's driver's license due to
1 31 temporary loss of consciousness or lack of voluntary control
1 32 while operating a motor vehicle if the loss of consciousness
1 33 or lack of control was caused by the use of a prescribed drug
1 34 or a drug dispensed by a pharmacist, there is no evidence of
1 35 alcohol consumption, and the person was not charged with
2 1 operating while intoxicated. The bill specifies that the
2 2 person must have taken the drug as directed by a medical
2 3 practitioner or pharmacist and that there were no warnings
2 4 from the medical practitioner, pharmacist, or the drug's
2 5 labeling to abstain from operating a motor vehicle while
2 6 taking the drug. In addition, the person must submit a report
2 7 from a licensed physician certifying that a medical
2 8 examination of the person has demonstrated that there is no
2 9 likely medical explanation for the temporary loss of
2 10 consciousness or lack of voluntary control other than the use
2 11 of the drug as directed, and that the person has been advised
2 12 to discontinue use of the drug.
2 13 Currently, pursuant to administrative rules, the department
2 14 suspends a person's license following an incident involving
2 15 temporary loss of consciousness or lack of voluntary control
2 16 until the person is episode free for six months; however, the
2 17 suspension may be lifted if medication is prescribed that
2 18 prevents such episodes. There is no provision in the rules
2 19 for lifting the suspension requirement if discontinued use of
2 20 a prescribed medication will prevent the temporary loss of

2 21 consciousness or lack of voluntary control.
2 22 LSB 1811SS 82
2 23 dea:nh/es/88